



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 11, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 11, 2018:

HB 2006 minimum age; marriage (Ugenti-Rita)
HB 2042 insurance coverage; telemedicine; urology (Carter)
HB 2047 workers' compensation; employee definition; LLCs (Livingston)
HB 2152 fingerprinting; joint powers authority (John)
HB 2154 personal information; data security breaches (Shope)
HB 2184 secretary of state; counties; rulemaking (Coleman)
HB 2216 schools; dropout recovery programs; report (Leach)
HB 2238 administrative decisions; review; scope (Farnsworth, E.)
HB 2244 dangerous crimes; children; fictitious age (Farnsworth, E.)
HB 2305 vehicle dealers; franchise regulations (Campbell)
HB 2323 schools; inhalers; contracted nurses (Carter)
HB 2342 off-highway vehicles; definition; user indicia (John)
HB 2464 sale of eggs; expiration date (Norgaard)
SB 1041 residency restrictions; sex offenders; victims (Kavanagh)
SB 1281 street lighting improvement districts; consolidation (Kavanagh)
SB 1355 border security trust fund; repeal (Griffin)
SB 1382 TPT; online lodging marketplace; registration (Kavanagh)
SB 1386 high-tech tax fraud (Farnsworth, D.)
SB 1395 temporary custody without court order (Barto)
SB 1421 environmental quality; amendments (Griffin)
SB 1436 prohibition; criminal history; occupational regulation (Burgess)
SB 1465 sober living homes; certification (Brophy McGee)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is written in a cursive, flowing style with a large initial "D".

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 193

SENATE BILL 1436

AN ACT

AMENDING SECTION 13-904, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 6, ARTICLE 11, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1093.04; RELATING TO STATE LICENSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-904, Arizona Revised Statutes, is amended to
3 read:

4 13-904. Suspension of civil rights and occupational
5 disabilities

6 A. A conviction for a felony suspends the following civil rights of
7 the person sentenced:

8 1. The right to vote.

9 2. The right to hold public office of trust or profit.

10 3. The right to serve as a juror.

11 4. During any period of imprisonment any other civil rights the
12 suspension of which is reasonably necessary for the security of the
13 institution in which the person sentenced is confined or for the
14 reasonable protection of the public.

15 5. The right to possess a gun or firearm.

16 B. Persons sentenced to imprisonment shall not thereby be rendered
17 incompetent as witnesses ~~upon~~ ON the trial of a criminal action or
18 proceeding, or incapable of making and acknowledging a sale or conveyance
19 of property.

20 C. A person sentenced to imprisonment is under the protection of
21 the law, and any injury to his person, not authorized by law, is
22 punishable in the same manner as if ~~such~~ THE person was not convicted and
23 sentenced.

24 D. The conviction of a person for any offense shall not work
25 forfeiture of any property, except if a forfeiture is expressly imposed by
26 law. All forfeitures to the state, unless expressly imposed by law, are
27 abolished.

28 E. A person shall not be disqualified from employment by this state
29 or any of its agencies or political subdivisions, ~~nor shall a person whose~~
30 ~~civil rights have been restored be disqualified to engage in any~~
31 ~~occupation for which a license, permit or certificate is required to be~~
32 ~~issued by this state solely because of a prior conviction for a felony or~~
33 ~~misdemeanor within or without this state. A person may be denied~~
34 ~~employment by this state or any of its agencies or political subdivisions~~
35 ~~or a person who has had his civil rights restored may be denied a license,~~
36 ~~permit or certificate to engage in an occupation by reason of the prior~~
37 ~~conviction of a felony or misdemeanor if the offense has a reasonable~~
38 ~~relationship to the functions of the employment or occupation for which~~
39 ~~the license, permit or certificate is sought.~~

40 F. Subsection E of this section is not applicable to any law
41 enforcement agency.

42 G. Any complaints concerning a violation of subsection E of this
43 section shall be adjudicated in accordance with the procedures set forth
44 in title 41, chapter 6 and title 12, chapter 7, article 6.

1 H. A person who is adjudicated delinquent under section 8-341 for a
2 felony does not have the right to carry or possess a gun or firearm.

3 Sec. 2. Title 41, chapter 6, article 11, Arizona Revised Statutes,
4 is amended by adding section 41-1093.04, to read:

5 41-1093.04. Occupational license, permit or certificate or
6 other state recognition rights; petition for
7 review of criminal record; annual report

8 A. A PERSON WITH A CRIMINAL RECORD MAY PETITION AN AGENCY, AT ANY
9 TIME, INCLUDING BEFORE OBTAINING ANY REQUIRED EDUCATION OR EXPERIENCE,
10 TAKING ANY EXAMINATION OR PAYING ANY FEE FOR A DETERMINATION OF WHETHER
11 THE PERSON'S CRIMINAL RECORD DISQUALIFIES THE PERSON FROM OBTAINING A
12 LICENSE, PERMIT, CERTIFICATE OR OTHER STATE RECOGNITION.

13 B. IN THE PETITION, THE PERSON SHALL INCLUDE:

14 1. THE PERSON'S COMPLETE CRIMINAL HISTORY RECORD.

15 2. ANY ADDITIONAL INFORMATION ABOUT THE PERSON'S CURRENT
16 CIRCUMSTANCES, INCLUDING THE TIME SINCE THE OFFENSE WAS COMMITTED AND THE
17 SENTENCE WAS COMPLETED, THE PAYMENT OF ANY COURT ORDERED RESTITUTION,
18 EVIDENCE OF REHABILITATION, TESTIMONIALS, EMPLOYMENT HISTORY AND
19 EMPLOYMENT ASPIRATIONS.

20 C. THE AGENCY SHALL DETERMINE WHETHER THE PERSON'S CRIMINAL RECORD
21 DISQUALIFIES THE PERSON FROM OBTAINING A LICENSE, PERMIT, CERTIFICATE OR
22 OTHER STATE RECOGNITION.

23 D. NOTWITHSTANDING ANY OTHER LAW OR RULE, THE AGENCY MAY DETERMINE
24 THAT THE PERSON'S CRIMINAL RECORD DISQUALIFIES THE PERSON FROM OBTAINING A
25 LICENSE, PERMIT, CERTIFICATE OR OTHER STATE RECOGNITION ONLY IF BOTH OF
26 THE FOLLOWING APPLY:

27 1. THE PERSON WAS CONVICTED OF ANY OF THE FOLLOWING AND THE
28 CONVICTION HAS NOT BEEN SET ASIDE OR EXPUNGED:

29 (a) A FELONY OFFENSE.

30 (b) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03.

31 (c) AN OFFENSE INCLUDED IN TITLE 13, CHAPTER 20, 21 OR 23 OR
32 SECTION 13-2310 OR 13-2311 IF THE LICENSE, PERMIT, CERTIFICATE OR OTHER
33 STATE RECOGNITION IS FOR AN OCCUPATION IN WHICH THE APPLICANT WOULD OWE A
34 FIDUCIARY DUTY TO A CLIENT.

35 (d) ANY OFFENSE THAT A LAW SPECIFICALLY REQUIRES THE AGENCY TO
36 CONSIDER WHEN ISSUING A LICENSE, PERMIT, CERTIFICATE OR OTHER STATE
37 RECOGNITION.

38 2. THE AGENCY CONCLUDES THAT THE STATE HAS AN IMPORTANT INTEREST IN
39 PROTECTING PUBLIC SAFETY THAT IS SUPERIOR TO THE PERSON'S RIGHT. THE
40 AGENCY MAY MAKE THIS CONCLUSION ONLY IF THE AGENCY DETERMINES, BY CLEAR
41 AND CONVINCING EVIDENCE AT THE TIME OF THE PETITION, THAT BOTH OF THE
42 FOLLOWING APPLY:

43 (a) THE SPECIFIC OFFENSE THAT THE PERSON WAS CONVICTED OF IS
44 SUBSTANTIALLY RELATED TO THE STATE'S INTEREST.

1 (b) THE PERSON, BASED ON THE NATURE OF THE SPECIFIC OFFENSE THAT
2 THE PERSON WAS CONVICTED OF AND THE PERSON'S CURRENT CIRCUMSTANCES, IS
3 MORE LIKELY TO REOFFEND BY VIRTUE OF HAVING THE LICENSE, PERMIT,
4 CERTIFICATE OR OTHER STATE RECOGNITION THAN IF THE PERSON DID NOT HAVE THE
5 LICENSE, PERMIT, CERTIFICATE OR OTHER STATE RECOGNITION.

6 E. THE AGENCY SHALL ISSUE A DETERMINATION ON THE PETITION WITHIN
7 NINETY DAYS AFTER THE AGENCY RECEIVES THE PETITION. THE DETERMINATION ON
8 THE PETITION MUST BE IN WRITING AND INCLUDE FINDINGS OF FACT AND
9 CONCLUSIONS OF LAW.

10 F. IF THE AGENCY DETERMINES THAT THE STATE'S INTEREST IS SUPERIOR
11 TO THE PERSON'S RIGHT, THE AGENCY MAY ADVISE THE PERSON OF THE ACTIONS
12 THAT THE PERSON MAY TAKE TO REMEDY THE DISQUALIFICATION, INCLUDING:

13 1. AN APPEAL OF THE DETERMINATION AS PROVIDED IN TITLE 12, CHAPTER
14 7, ARTICLE 6.

15 2. THE SUBMISSION OF A NEW PETITION TO THE SAME AGENCY AT ANY TIME
16 WITHIN TWO YEARS AFTER THE FINAL DETERMINATION OF THE INITIAL PETITION.

17 G. THE AGENCY SHALL RESCIND THE DETERMINATION ANY TIME AFTER THE
18 DETERMINATION IS MADE BUT BEFORE ISSUING A LICENSE, PERMIT, CERTIFICATE OR
19 OTHER STATE RECOGNITION IF THE PERSON IS CONVICTED OF AN ADDITIONAL
20 OFFENSE THAT IS INCLUDED IN SUBSECTION D, PARAGRAPH 1 OF THIS SECTION.

21 H. SUBSECTION D OF THIS SECTION DOES NOT APPLY TO ANY OF THE
22 FOLLOWING:

23 1. ANY LAW ENFORCEMENT AGENCY OR THE ARIZONA PEACE OFFICER
24 STANDARDS AND TRAINING BOARD.

25 2. ANY LICENSE OR REGISTRATION CERTIFICATE THAT IS ISSUED PURSUANT
26 TO TITLE 32, CHAPTER 24 OR 26.

27 3. ANY CERTIFICATION, LICENSE OR PERMIT THAT IS ISSUED PURSUANT TO
28 TITLE 15.

29 4. STATUTORY REQUIREMENTS FOR A FINGERPRINT CLEARANCE CARD ISSUED
30 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

31 5. ANY CRITERIA FOR LICENSE, PERMIT OR CERTIFICATE ELIGIBILITY THAT
32 IS ESTABLISHED BY AN INTERSTATE COMPACT.

33 I. EACH AGENCY SHALL SUBMIT A REPORT ON OR BEFORE JULY 1 OF EACH
34 YEAR TO THE GOVERNOR AND THE LEGISLATURE AND PROVIDE A COPY OF THIS REPORT
35 TO THE SECRETARY OF STATE. THE REPORT SHALL INCLUDE THE FOLLOWING
36 INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

37 1. THE NUMBER OF APPLICANTS THAT PETITION THE AGENCY FOR A
38 DETERMINATION.

39 2. THE NUMBER OF PETITIONS THAT WERE GRANTED AND THE TYPES OF
40 OFFENSES AT ISSUE.

41 3. THE NUMBER OF PETITIONS THAT WERE DENIED AND THE TYPES OF
42 OFFENSES AT ISSUE.

43 4. THE NUMBER OF DETERMINATIONS THAT WERE RESCINDED.

APPROVED BY THE GOVERNOR APRIL 11, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2018

Passed the House April 4, 20 18,

Passed the Senate March 1, 20 18,

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

2 Nays, 0 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1436

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

Passed the House April 5, 20 18

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate _____, 20 _____

by the following vote: _____ Ayes,

_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State


ON RECONSIDERATION
S.B. 1436

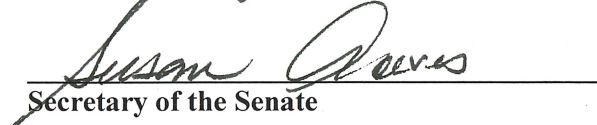
SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 9, 20 18

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate

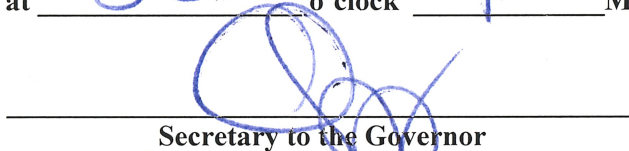

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

9th day of April, 20 18

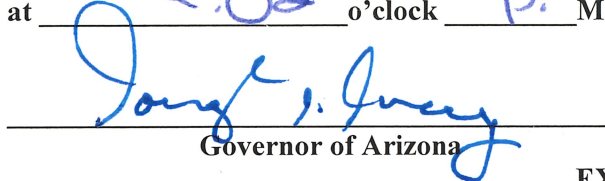
at 5:00 o'clock P. M.


Secretary to the Governor

Approved this 11th day of

April 2018

at 2:02 o'clock P. M.

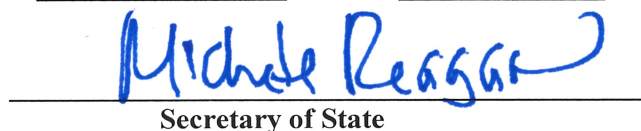

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of April, 20 18

at 4:50 o'clock P. M.


Secretary of State